

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH(CABN 163973)  
Chief, Criminal Division

W.S. WILSON LEUNG (CABN 190939)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6758  
FAX: (415) 436-6753

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR-07-0754-WHA
	)	
v.	)	
	)	STIPULATION, AND <del>PROPOSED</del>
CARLOS GARRIDO,	)	ORDER
a/k/a "Tweety,"	)	
	)	
Defendant.	)	
	)	

The United States of America, by its attorneys, Joseph P. Russoniello, United States Attorney, and W.S. Wilson Leung, Assistant United States Attorney, of counsel, on behalf of the parties, respectfully submits this Stipulation and Proposed Order to request a continuance of the April 27, 2010 change of plea hearing in the above captioned matter. The parties respectfully request, for the reasons set forth below, that the change of plea hearing be scheduled for May 4, 2010 at 2 pm, or any time thereafter as the Court's schedule allows, so that the parties can resolve some last minute procedural issues.

The parties hereby stipulate to the following:

1. Defendant Carlos Garrido is charged in the above-captioned indictment with one count of illegal re-entry and one count of being an illegal alien in possession of a firearm.

2. Carlos Garrido pled guilty to both counts and was scheduled to be sentenced. However, prior to sentencing, Garrido withdrew his guilty plea to the firearm charge. He has since decided to re-enter this guilty plea and his change of plea hearing was scheduled for April 27, 2010. However, the parties are trying to figure out where procedurally Garrido stands and whether he needs an entirely new plea agreement or whether he can simply re-enter his guilty plea pursuant to the old plea agreement.

3. Accordingly, the parties would respectfully request a continuance of the change of plea hearing until May 4, 2010, or any time thereafter as the Court's schedule permits. The parties would also ask that time be excluded in the interests of justice until the new date to ensure the effective representation of counsel by allow the defense additional time to consider the procedural issue presented.

IT IS SO STIPULATED.

DATED: April 27, 2010

/s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

DATED: April 27, 2010

/s/  
JAMES PHILLIP VAUGHNS, ESQ.  
Attorney for Defendant Carlos Garrido

IT IS SO ORDERED.

DATED: April 28, 2010

HON. WILLIAM  
United States

